

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1585 of 2023

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Md. Abdul Rahim Son of Late Md. Amanat, resident of ward No. 4, village - Belhi Paschmi, Near Masjid, P.S. and Anchal - Jainagar, Distt. - Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Madhubani.
2. The Collector of the District (DM), Madhubani.
3. The Sub-divisional Officer, Jainagar, Madhubani.
4. The Circle Officer (C.O.) Jainagar, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Nath Jha
For the Respondent/s : Mr.Sajid Salim Khan (Sc 25)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-04-2023 The learned counsel for the Respondent-State seeks to file a counter affidavit, which is taken on record.

The present writ petition has been filed seeking the following reliefs:-

“1(i). Quashing / setting aside the impugned notice / order dt. 24.12.2022 (Annex-9) passed by Respondent No. 4 U/S 6(2) of the Bihar Public Land Encroachment Act, 1956 (hereinafter referred to as ‘the Act’) in Land Encroachment case No. 04 of 2022-23 (State Vs. Md. Abdul Rahim) whereby and whereunder he has directed the petitioner to remove the encroachment from his Land till 11.01.2023.



(ii) Directing the respondent-authorities to drop the said Encroachment proceeding No. 04 of 2022-23 (State Vs. Md. Abdul Rahim) which has illegally been initiated against the raiyati and khatiyani lands of the petitioner and not to demolish the residential premises of the petitioner standing on the said lands.

(iii) Holding and declaring that the land in question is not a public land, but out and out, as per khatiyani a raiyati & personal land of the petitioner and there is no encroachment at all on the said land by the petitioner.

(iv) Holding and declaring that without hearing/deciding the objection of the petitioner (Annex-7) the Learned Respondent no.4 had no jurisdiction to pass the impugned order as contained in Annex-9 hereto for eviction of the petitioner.

(v) Restraining the respondents authorities not to dispossess the petitioner from the lands in question till pendency of this writ application before this Hon'ble Court."

At the outset, the learned counsel for the Respondent-State has submitted, by referring to paragraph no. 14 of the counter affidavit, filed in the present case that though the encroachment proceeding was initiated for the entire area, appertaining to R.S. Plot No. 2400, comprising of 0.60 acre land



and R.S. Plot No. 2457, comprising of 4.34 acre land, however, after receiving information regarding correction having been made in the R.S. entry with respect to an area of 46 decimal, appertaining to Plot No. 2457 in favour of the petitioner, encroachment has been removed from the rest of the land in question, leaving 46 decimal land, which is recorded in the name of the petitioner and the Respondents do not propose to disturb the possession of the petitioner from the said 46 decimal area of land.

In view of the aforesaid, the learned counsel for the petitioner submits that now the petitioner is not having any subsisting grievance, hence, the present writ petition may be disposed off.

Accordingly, the present writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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